UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Energy West, Inc.

Plaintiff,

vs.

United States Power Fund, LP

Defendant.

CASE NO. 1:09-cv-00591

JUDGE Christopher Boyko

JOINT MOTION TO EXTEND STAY

Now comes Plaintiff, Energy West, Inc., by and through its undersigned counsel, Dworken & Bernstein Co., LPA, and Defendant United States Power Fund, LP, by and through its undersigned counsel, Vorys, Sater, Seymour & Pease, and moves this Court to extend the stay in this matter until March 31, 2011.

This action was originally commenced by Energy West to recover costs associated with negotiations of a proposed transaction between Energy West and United States Power Fund after negotiations towards a consummation of the underlying transaction broke off. At a court ordered mediation to attempt to resolve this litigation, the parties agreed to re-open negotiations regarding the underlying transaction. The parties obtained a stay from this Court through January 17, 2011 to allow the parties to conduct negotiations regarding the underlying transaction, a consummation of which would also resolve this litigation.

The party's negotiations relative to the underlying transaction have been diligently pursued during the stay and are continuing on. Within the last week, United States Power has submitted a proposed term sheet outlining suggested terms and conditions for the underlying transaction for Energy West to consider. The parties wish to extend the stay until March 31, 2011 to give the parties the opportunity to continue to negotiate and, hopefully consummate the underlying transaction thereby resolving this litigation.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this Court extend the stay regarding the underlying litigation until March 31, 2011.

Respectfully submitted,

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Attorney for Defendant United States Power Fund

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2011, a copy of the foregoing Joint Motion to Extend Stay was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard N. Selby, II
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Dworken & Bernstein Co., LPA

Attorney for Plaintiff Energy West, Inc.